

REMARKS

Claims 1-11 are pending in the present application. Claims 1, 5 and 6 have been amended and claim 11 has been cancelled, leaving claims 1-10 for consideration upon entry of the present amendment.

Applicants wish to thank the Examiner for indicating that claim 11 would be allowable if written in independent form. Accordingly, because claim 11 depended from independent claim 6, claim 6 has been amended to include the limitations of claim 11 and should now be allowable. Claims 7-10, which all depend from claim 6 and thus contain all of the limitations of claim 6, should also be allowable.

In addition, claims 1 and 5 have been amended to include the limitations of claim 11. Support for these amendments can be found in the specification on page 7, lines 20-21.

No new matter has been added by these amendments. Reconsideration is requested in view of the foregoing amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wagner et al. (U.S. Patent 6,365,418).

The rejected claims are directed to microarrays, and microarray substrates wherein the microarray substrate comprises a patterned photoresist film having one or more spot regions therein. The patterned photoresist film is capable of delamination from the substrate.

Wagner et al. is directed to arrays of protein capture agents useful for the simultaneous detection of a plurality of proteins. (Abstract) Example 1 is directed to the formation of a two-dimensional array by photolithography techniques in which a pattern is transferred to a photomask and then transferred to a substrate coated with photoresist. (Wagner, col. 38, ll. 1-11) The resist is removed by "stripping". (Wagner, col. 38, l. 29)

The Examiner alleges that Wagner teaches arrays of protein capture agents immobilized on patches. (December 7, 2004 Office Action, page 2) Boundaries such as

the walls of a photoresist may be used to separate the patches. (December 7, 2004 Office Action, page 2)

All of the rejected claims currently have the limitation that the photoresist is capable of delamination from the substrate. Wagner et al. teaches "stripping" of a photoresist from the substrate, and thus teaches a photoresist that is capable of stripping, not a photoresist that is capable of delamination. Wagner et al. is thus missing an element of the present claims.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Wagner et al. does not teach a photoresist that is capable of delamination from the substrate and thus does not anticipate the present claims. In addition, because there is no teaching or suggestion of a photoresist that is capable of delamination from the substrate in Wagner et al, Wagner et al. also does not render the present claims obvious.

For at least the foregoing reasons, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) over Wagner et al. are requested.

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Chrisey et al. (Fabrication of patterned DNA surfaces, 1996, Nucleic Acids Research, 24(15), p. 3040-3047).

Claims 6-10 have been amended to include the limitations of claim 6 wherein "wherein detaching comprises delaminating".

The Examiner alleges that Chrisey teaches direct photochemical patterning of PEDA silane films using deep UV exposure to yield patterned DNA surfaces. (December 7, 2004 Office Action, page 3) Photoresist patterning is also disclosed. (December 7, 2004 Office Action, page 3) The photoresist film was removed by agitation in acetone. (December 7, 2004 Office Action, page 3)

All of the rejected claims currently have the limitation that the photoresist is capable of delamination from the substrate. Chrisey et al. teaches removing a photoresist from the substrate in acetone, and thus teaches a photoresist that is capable of removal by stripping in solvent, not a photoresist that is capable of delamination. Chrisey et al. is thus missing an element of the present claims.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Chrisey et al. does not teach a photoresist that is capable of delamination from the substrate and thus does not anticipate the present claims. In addition, because there is no teaching or suggestion of a photoresist that is capable of delamination from the substrate in Chrisey et al, Chrisey et al. also does not render the present claims obvious.

For at least the foregoing reasons, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) over Chrisey et al. are requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: Karen A. LeCuyer
Karen A. LeCuyer, Ph.D.
Registration No. 51,928

Date: February 7, 2005
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413